

**STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION**

**IN RE: The Narragansett Electric Co.            )**  
**d/b/a National Grid's FY 2022 Gas ISR        )**  
**Plan    )**

**Docket No. 5099**

**DIVISION'S OBJECTION TO CLF'S  
MOTION FOR INTERVENTION**

**I.     Introduction**

By letter dated December 18, 2020, The Narragansett Electric Company, d/b/a National Grid ("NGrid" or "Company") filed its FY 2022 Gas ISR Plan with the Public Utilities Commission ("Commission"). The Commission docketed the matter as Docket No. 5099. On January 15, 2021, the Conservation Law Foundation ("CLF") filed a Motion for Intervention in Docket No. 5099. The Division of Public Utilities and Carriers ("Division") objects to CLF's motion.

Commission Rule of Practice of Procedure 1.14(B) provides:

Subject to the provisions of these rules, any person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Commission. Such right or interest may be:

1. A right conferred by statute.
2. An interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission's action in the proceeding. (The following may have such an interest: consumers served by the applicant, defendant, or respondent; holders of securities of the applicant, defendant, or respondent.)
3. Any other interest of such nature that movant's participation may be in the public interest.

CLF's motion does not remotely satisfy any of the criteria set forth in Rule 1.14(B) for approving the proposed intervention of CLF as a full party in Docket No. 5099. The Commission, therefore, must deny CLF's Motion for Intervention.

## II. Argument

CLF asserts that its participation in this proceeding "will serve the public interest," that it has "extensive experience with matters related to gas and electricity markets," and that it possesses a "keen and active interest in certain aspects of this proceeding as they relate to greenhouse gas emission and the future of the heating sector." CLF Motion at 4. Specifically, CLF plans to focus on assessing "the expected useful life and rate depreciation of new gas infrastructure, and how these are affected by the state's climate goals and its efforts to decarbonize the heating sector." Id. at 4.

Having a generalized "keen and active interest" in "certain aspects of this proceeding," certain "experience," or that participation will "service the public interest," however, hardly constitutes the necessary particularized interest (or any other interest for that matter) which may be directly affected to permit intervention under Rule 1.14(B)(2) or (3). The Rhode Island Supreme Court has repeatedly emphasized that the intervening party must claim "an interest relating to the property or transaction *which is the subject matter of the action.*" E.g., Hines Road, LLC v. Hall, 113 A.3d 924, 927 (R.I. 2015) (emphasis added).

The FY 2022 Gas ISR Plan is a proposed capital budget for spending to reasonably maintain the *safety* and *reliability* of gas distribution service in Rhode Island. The proposed ISR plan is dedicated to spending on gas distribution infrastructure with the aim of reducing the chances of incidents such as the 2018 *Merrimack Valley* gas explosions, Rhode Island's 2019 *Aquidneck*

*Island* outages, or isolated home explosions like those that occurred in Rhode Island in the late 1990s prior to the initiation of the annual ISR plan. When the Company’s proposed investments and spending are found to be “reasonably needed to maintain safe and reliable distribution service over the short and long term,” the Commission must approve the proposed plan. R.I. Gen. Laws § 39-1-27.7.1(d).

CLF’s alleged particularized interests—assessing the “useful life and rate depreciation of new gas infrastructure and how these are affected by the state’s climate goals and its efforts to decarbonize the heating sector”—have nothing to do with either the *safety* or *reliability* of the existing gas distribution system in Rhode Island or the standard by which the Commission must assess the proposed ISR plan under R.I. Gen. Laws § 39-1-27.7.1(d). By law, proposed interventions by third parties who have not asserted any direct interest that bears on the merits of proceeding (like that of CLF here) must be denied. See e.g., Hines Road, 113 A.3d at 927 (intervenor must have an interest relating to the property or transaction which is the subject matter of the action in order to intervene); Tonetti Enterprises, LLC v. Mendon Road Leasing Corp., 943 A.2d 1063, 1072 (R.I. 2008) (same).<sup>1</sup>

Further, the Rhode Island Supreme Court has observed that permitting such interventions is not harmless error. Allowing meritless interventions can have negative impacts on proceedings’ adjudications, such as time delays, undue burden on other parties, *etc.* See In Re: Island Hi-Speed Ferry, LLC, 746 A.2d 1240, 1244 (R.I. 2000) (acknowledging the Commission’s concern about the intervenors’ motives and of placing a party in the position of having to defend its case against its competitor in two forums).

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<sup>1</sup> CLF also observes that it has been granted intervention status in numerous PUC dockets. CLF Motion at 4. CLF, however, concedes its interventions in past dockets have been permitted in the absence of opposition by any party.

**III. Conclusion**

CLF has not shown that it possesses any interest cognizable under Rule 1.14(B) that would warrant granting its Motion for Intervention. The Commission, therefore, should deny CLF's motion.

DIVISION OF PUBLIC UTILITIES  
AND CARRIERS

By its attorney,

/s/ Leo J. Wold

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**CERTIFICATE OF SERVICE**

I certify that the within objection was forwarded by e-mail to the Service List in the above-entitled docket on the 19th of January, 2021.

/s/ Leo J. Wold